

Applicant or Patentee: Hubbard et al.

Title: TISSUE AUGMENTATION MATERIAL AND METHOD

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c)) -- SMALL BUSINESS CONCERN**

I hereby declare that I am an officer of the small business concern empowered to act on behalf of the concern identified below:

Bioform Inc.
4133 Courtney Rd., #10
Franksville, Wisconsin 53126

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-entitled invention made by inventors William G. Hubbard and Timothy R. Devine, and described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by a concern which would not qualify as a small business concern under 37 CFR 1.9(d), or as a nonprofit organization under 37 CFR 1.9(e): NONE.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: William G. Hubbard

Title of Person: Vice President, Technical Operations & CTO

Address of Person Signing: Bioform Corporation
4133 Courtney Rd. #10
Franksville, WI 53126

Signature: William G. Hubbard

Date: July 13, 2000

INVENTORS' DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention or design entitled TISSUE AUGMENTATION MATERIAL AND METHOD, the specification of which:

X is attached hereto; or
was filed in the United States on _____ as Application
Serial No. _____; or
was filed as International Application Serial Number _____ on
_____, which application designated the United States of
America; or
was the subject of an amendment filed in the U.S. Patent and Trademark
Office on _____

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 or §365(b) of any foreign application(s) for patent or inventor's certificate designated below, or under §365(a) of any application filed under the Patent Cooperation Treaty which designated at least one country other than the United States of America, and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application to which priority is claimed:

| <u>Application</u> <u>Number</u> | <u>Country</u> | <u>Date Filed</u> | <u>Priority Claimed</u> |
|-------------------------------------|----------------|-------------------|-------------------------|
|-------------------------------------|----------------|-------------------|-------------------------|

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below or under 35 U.S.C. §365(c) of any PCT International application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C., I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| <u>Application Serial Number</u> | <u>Date Filed</u> | <u>Status</u> |
|----------------------------------|-------------------|---------------|
|----------------------------------|-------------------|---------------|

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications(s) listed below:

60/148,590
(Application Serial Number)

August 13, 1999
(Date Filed)

(Application Serial Number)

(Date Filed)

Direct all telephone calls to Michael D. Rechtin at Telephone No. 312-755-2578.

Address all correspondence to:

Foley & Lardner
Suite 3300
330 North Wabash Avenue
Chicago, Illinois 60611-3608.

I hereby acknowledge that Foley & Lardner represents the assignee of the above-identified invention and does not represent me.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Attorney Docket No.: 047542/0186

Full Name of First Inventor: William G. Hubbard

Inventor's signature:

William G. Hubbard

Date:

July 13, 2000

Residence:

Burlington, Wisconsin

Citizenship:

United States

Post Office Address:

N6427 Hazgraves Road

Timothy R. Devine

Timothy R. O'Leary

July 13, 2000

Whitefish Bay, Wisconsin

United States

4819 N. Woodburn St.

[illegible]

Attorney Docket No.: 047542/0186

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: William G. Hubbard et al.

Filed: Herewith

For: TISSUE AUGMENTATION MATERIAL AND METHOD

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE UNDER 37 C.F.R. §3.73(B)
AND POWER OF ATTORNEY

I, William G. Hubbard, am Vice President, Technological Operations and CTO of Bioform Inc., a Delaware Corporation ("Assignee"). The Assignee is the owner of the entire right, title and interest in the above-identified patent application ("the Patent Application") by virtue of an assignment from the inventors of the Patent Application. As evidence of this assignment, the Assignee points to the enclosed copy of the Assignment from the inventors to Bioform Inc. that will be submitted to the U.S. Patent and Trademark Office on the same day that this document is filed.

The undersigned is empowered to sign this document on behalf of the Assignee and has full power to grant and revoke powers of attorney.

Assignee hereby appoints as its attorneys to prosecute this Patent Application and to transact all business in the U.S. Patent and Trademark Office connected with the Patent Application and with any resulting patent, all of said attorneys being of the firm of Foley & Lardner:

Russell J. Barron, Reg. No. 29,512; Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; Douglas Boehm, Reg. No. 32,014; Marshall J. Brown, Reg. No. 44,566; John C. Cooper, Reg. No. 26,416; Harry C. Engstrom, Reg. No. 26,876; John J. Feldhaus, Reg. No. 28,822; Jeanne Marie Gills, Reg. No. 44,458; Jack L. Lahr, Reg. No. 19,621; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; James G. Morrow, Reg. No. 32,505; Terence P. O'Brien, Reg. No. 43,840; George E. Quillin, Reg. No. 32,792; Michael D. Rechtin, Reg. No. 30,128; Colin G. Sandercock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,590; Richard L. Schwaab, Reg. No. 25,479; Harold C. Wegner, Reg. No. 25,258, all of said attorneys being of the firm of Foley & Lardner, with full power of substitution and revocation, to prosecute this application and represent the undersigned before all competent International Authorities.

Please direct all correspondence to:

Foley & Lardner
Suite 3300
One IBM Plaza
330 North Wabash Avenue
Chicago, Illinois 60611

Please direct all telephone calls to:

Michael D. Rechtin
(312) 755-2578

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so

made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name: William Hubbard
Title: V. P. of Technical Operations
Date: July 6, 2000

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